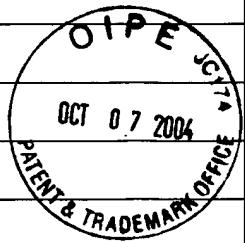


RCE Type

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).		Application Number 09/801,672 Filing Date March 9, 2001 First Named Inventor SUGIYAMA Group Art Unit 2173 Examiner Name K. D. Vu Attorney Docket Number 1035-310
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This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on **August 9, 2004**
(Any unentered amendment(s) referred to above will be entered)
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____

10/07/2004 SSANDARA 00000002-141140 09801672
 01 FC:1801 790.00 OP
 02 FC:1253 110.00 DA 870.00 OP

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 35 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. Applicant claims "small entity" status.
- b. Fees are attached as calculated below:
 - i. RCE fee required under 37 C.F.R. § 1.17(e) \$ 790.00
 - ii. Petition is made to extend the due date three months (less one months previously paid) \$ 870.00
 - iii. Other \$ _____
- c. Check in the amount of \$ 1660.00 enclosed
- d. Payment by credit card (Form PTO-2038 enclosed)
- e. The Director is hereby authorized to charge any deficiency in the fee(s) filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm), to Deposit Account No. **14-1140**

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print Type)	H. Warren Burnam, Jr.	Registration No. (Attorney/Agent)	29,366
Signature			
Date	October 7, 2004		

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print Type)			
Signature		Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, P.O. Box 1450, Alexandria, VA 22313-1450,

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Patent Application of

SUGIYAMA et al.

Atty. Ref.: 1035-310

Appl. No. 09/801,672

Group: 2173

Filed: March 9, 2001

Examiner: K. D. Vu

For: IMAGE INFORMATION PROCESSING DEVICE, IMAGE INFORMATION
PROCESSING METHOD, PROGRAM AND RECORDING MEDIUM

* * * * *

October 7, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR REFUND

An request for continued examination (RCE) under 37 CFR §1.114 was filed today for the captioned application, and was accompanied by payment for a three month extension of time.

An Amendment After Final was filed on August 9, 2004, almost two months ago. The PTO Private Pair system appears to indicate that, thus far, the August 9, 2004 Amendment After Final has not even reached the Examiner.

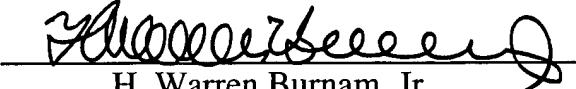
Had the August 9, 2004 Amendment After Final been timely acted upon, even if with a negative advisory, Applicant could have taken further action without the need of the third month extension of time. Hence, it is respectfully requested that the third month

SUGIYAMA et al.
Appl. No. 09/801,672
October 7, 2004

extension of time fee paid today be refunded to the undersigned's deposit account no. 14-
1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
H. Warren Burnam, Jr.
Reg. No. 29,266

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